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LAWYERS PROF. RESP. BOARD

STATE OF MINNESOTA

IN SUPREME COURT

C7-83-740

In the Matter of the Application for the
Discipline of Kevin O'Connor Green, an
Attorney at Law of the State of Minnesota.

ORDER

The above entitled matter comes before this court upon the stipulation of the parties which provides as follows:

WHEREAS, a petition for disciplinary action has been filed and respondent has filed an answer thereto,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Respondent understands he has rights pursuant to Rule 14, RLPR, to a hearing before a referee on the petition for disciplinary action against him; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; to a hearing before the supreme court upon the record, briefs and arguments. Respondent understands that by entering into this stipulation, he waives each and every right under Rule 14, RLPR. Respondent understands the matter will be submitted to the court for direct consideration.

2. Respondent admits the petition's allegations of unprofessional conduct.

3. Respondent understands that based upon these admissions this court may impose any of the sanctions set forth in Rule 15(a), 1-6, RLPR, including making any other disposition as it deems appropriate. Respondent understands that by entering into this stipulation the Director is not making any representations as to the sanction the court will impose.

4. The Director and respondent join in recommending that the appropriate discipline is a public reprimand, two years of supervised probation, and the imposition of \$500 in costs pursuant to Rule 24(a), RLPR. The probation would be subject to the following terms and conditions:

(a) Respondent shall abide by the Minnesota Code of Professional Responsibility (MCPR) or such other rules governing attorney conduct as the supreme court may promulgate. Respondent's admission or a referee finding of further unprofessional conduct shall constitute conclusive evidence of a breach of this stipulation.

(b) Respondent shall maintain abstinence from alcohol or any

other mood-altering chemicals. Respondent's compliance with this provision will be monitored by a Minnesota attorney acceptable to Director. Respondent authorizes said monitoring attorney to promptly notify Director of any evidence of respondent's failure to comply with this provision.

(c) Respondent shall regularly attend meetings of Alcoholics Anonymous or other out-patient chemical dependency program acceptable to the Director.

(d) Respondent shall, upon Director's request, execute such authorizations as may be necessary for the Director to verify respondent's compliance with the terms of this stipulation.

5. Respondent shall promptly nominate an attorney acceptable to the Director who shall monitor respondent's compliance with the terms of this probation. Respondent's supervisor shall file written reports with the Director at least quarterly.

6. Respondent shall cooperate fully with the supervisor and with the Director's office in their efforts to monitor compliance with this probation and in any investigations of further unprofessional conduct which may arise.

7. Respondent shall make available his books, records, ledgers and accounts pertaining to his office and trust account to ensure compliance with DR 9-102 and DR 9-103, MCPR; respondent's compliance with this provision will be monitored by a Minnesota attorney acceptable to the Director. Respondent authorizes said monitoring attorney to promptly notify the Director of any evidence of respondent's failure to comply with this provision.

8. Respondent understands that pursuant to Rule 19(b), RLPR, a finding by the court that respondent committed conduct warranting discipline pursuant to Rule 15(a), RLPR, is, in future proceedings under these rules, prima facie evidence he committed the conduct.

9. Respondent asserts there is a mitigating factor which should be considered in the court's final disposition of this case. In May, 1981, respondent entered and successfully completed an alcohol treatment program at the Hazelden Treatment Center. Since that time respondent has remained chemically free.

10. Respondent has been, and continues to be, advised by legal counsel in connection with these proceedings. This stipulation is entered into by respondent freely and voluntarily, without any coercion or duress or representation by any person regarding the effect of this stipulation other than as stated herein.

Based upon the records, files and proceedings herein, and the stipulation of parties,

IT IS HEREBY ORDERED:

1. Respondent Kevin O'Connor Green is publicly reprimanded pursuant to Minn. R.

Law. Prof. Resp. 15(a), and is placed on supervised probation for a period of 2 years from the date of this order upon the following terms and conditions:

(a) Respondent shall abide by the Minnesota Code of Professional Responsibility (MCPR) or such other rules governing attorney conduct as the supreme court may promulgate. Respondent's admission or a referee finding of further unprofessional conduct shall constitute conclusive evidence of a breach of this stipulation.

(b) Respondent shall maintain abstinence from alcohol or any other mood-altering chemicals. Respondent's compliance with this provision will be monitored by a Minnesota attorney acceptable to Director. Respondent authorizes said monitoring attorney to promptly notify Director of any evidence of respondent's failure to comply with this provision.

(c) Respondent shall regularly attend meetings of Alcoholics Anonymous or other out-patient chemical dependency program acceptable to the Director.

(d) Respondent shall, upon Director's request, execute such authorizations as may be necessary for the Director to verify respondent's compliance with the terms of this stipulation.

2. Respondent shall pay to the petitioner \$500 in costs pursuant to Minn. R. Law. Prof. Resp. 24(a) within 60 days from the date of this order.

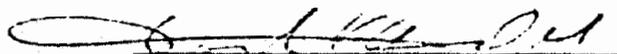
DATED: March 6, 1984.

BY THE COURT

OFFICE OF
APPELLATE COURTS
FILED

MAR 6 1984

WAYNE TSCHIMPERLE
CLERK



Douglas K. Amdahl, Chief Justice